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Washington, Tuesday, March 2, 1954

TITLE 3—THE PRESIDENT

PROCLAMATION 3043

RED CROSS MONTH, 1954

BY THE PRESIDENT OF THE UNITED STATES
OF AMERICA
A PROCLAMATION

WHEREAS the American National Red Cross, under the terms of its charter established by act of Congress, is a major instrument for protecting the health and welfare of the American people through voluntary services supported and rendered by its members; and

WHEREAS the services of the Red Cross demonstrate our Nation's tradition of neighbor helping neighbor; and

WHEREAS the Red Cross, while continuing at full strength its welfare program for members of the armed forces and their families, has accepted the additional responsibility of providing for informal club activities for overseas servicemen; and

WHEREAS the organization's blood program provides blood for the sick and injured in nearly half the Nation's hospitals and, at the same time, enables the Red Cross to meet its responsibility as the collecting agency of blood for national defense; and

WHEREAS the Red Cross is a medium for extending emergency relief to families stricken by disaster, and for helping to rehabilitate those families, as well as for making available to all the people training in such essential skills as first aid, water safety, and home nursing; and

WHEREAS these services and many others performed by millions of adult and junior members of the organization prepare our people to save lives and mitigate suffering, both in time of peace and in time of national emergency; and

WHEREAS the American Red Cross is appealing for \$85,000,000 and thirty million members to help it achieve its objectives in the year ahead:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America and Honorary Chairman of the American National Red Cross, do hereby designate March 1954 as Red Cross Month; and I urge every American during that month to cooperate in furthering the work of this humanitarian organization.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 25th day of February in the year of our Lord nineteen hundred and [SEAL] fifty-four, and of the Independence of the United States of America the one hundred and seventy-eighth.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 54-1483; Filed, Feb. 26, 1954;
4:50 p. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

VETERANS' ADMINISTRATION

Effective upon publication in the FEDERAL REGISTER, the following positions are added.

§ 6.322 *Veterans' Administration—*
(a) *Office of the Administrator.* * * *

(4) Six Confidential Assistants to the Special Assistant to the Administrator.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 10440, March 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-1485; Filed, Mar. 1, 1954;
8:50 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

MISCELLANEOUS AMENDMENTS

1. Effective upon publication in the FEDERAL REGISTER, paragraphs (a) (1), (e) (2), (f) (1) and (2) of § 6.113,

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CFR SUPPLEMENTS

(For use during 1954)

The following Supplements are now available:

Title 18 (\$0.45)

Title 25 (\$0.45)

Title 49: Parts 91 to 164 (\$0.45)

Order from
Superintendent of Documents, Government
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paragraph (a) of § 6.140 and paragraphs (a) and (b) of § 6.363 are revoked; the headnotes of paragraph (c) of § 6.113 and paragraph (m) of § 6.102 are amended; paragraph (c) (1) of § 6.113, paragraphs (b) and (c) of § 6.140 and paragraph (a) (4) of § 6.312 are amended; and the following provisions are added: §§ 6.102 (m) (2), 6.112 (b) (4) and (k) (5), 6.126 (f), 6.312 (a) (23), 6.326 (d), 6.340 (a) through (f), 6.363 (d), (e) and (f).

§ 6.102 *State Department.* * * *
(m) *Bureau of Security, Consular Affairs and Personnel.* * * *

(2) Positions of investigator, evaluator, and other security officers, whose incumbents are directly engaged in the performance of security functions or in the supervision of such activities.

§ 6.112 *Department of Commerce.* * * *

(b) *Office of the Secretary.* * * *
(4) The positions of Security Control Officer, Deputy Security Control Officer, and Chief, Personnel Security Division.

(k) *Maritime Administration.* * * *
(5) The position of Chief Investigator and Security Officer.

§ 6.113 *Department of Labor.* * * *
(c) *Bureau of Employment Security.*

(1) *One Minority Groups Consultant* * * *

§ 6.126 Securities and Exchange Commission. * * *

(f) Ten positions of Regional Administrator.

§ 6.140 Export-Import Bank of Washington. * * *

(b) The Secretary.

(c) Chiefs of the following divisions: Economics, Engineering, Examining, and Private Capital Participation.

§ 6.312 Department of Commerce—

(a) Office of the Secretary. * * *

(4) One Confidential Assistant and two Private Secretaries to the Under Secretary.

(23) One Confidential Assistant to the Administrator, Defense Air Transportation Administration.

§ 6.326 Securities and Exchange Commission. * * *

(d) One Associate General Counsel.

§ 6.340 Export-Import Bank of Washington. (a) One Vice-President.

(b) One Vice-President and Treasurer.
(c) One Confidential Assistant to the Managing Director.

(d) One Private Secretary to the Managing Director.

(e) One Private Secretary to the Deputy Director.

(f) The General Counsel.

§ 6.363 United States Information Agency. * * *

(d) One Special Assistant to the Director.

(e) One Secretarial Assistant to the Director.

(f) One Secretary to the Director.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 10440, March 31, 1953, 18 F. R. 1823)

2. The headnote of § 24.6 is amended to read as follows:

§ 24.6 Graduate Nurse, GS-610, all grades; and Public Health Nurse GS-615-6-15, and Nursing Consultant, GS-615-7-15. * * *

(Sec. 11, 58 Stat. 390; 5 U. S. C. 860)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 54-1484; Filed, Mar. 1, 1954; 8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas), Department of Agriculture

[Amtd. 2]

PART 722—COTTON

MARKETING QUOTA REGULATIONS RELATING TO APPORTIONMENT OF NATIONAL ACREAGE ALLOTMENT FOR 1954 CROP OF EXTRA LONG STAPLE COTTON TO STATES, COUNTIES AND FARMS

Basis and purpose. This amendment is made to give effect to the provisions of Public Law 290, 83d Congress, approved January 30, 1954, as it relates to extra

long staple cotton. Section 1 of the said Public law adds a new subsection (m) to section 344 of the Agricultural Adjustment Act of 1938, as amended. Paragraph (2) of the new subsection applies to the 1954 and 1955 crops of extra long staple cotton. This amendment also provides that a county acreage allotment for extra long staple cotton is to be determined for Sumter County, Florida.

Farmers in Puerto Rico have begun planting their 1954 crop of extra long staple cotton and farmers in the continental United States are making plans and purchasing seed, fertilizer and other supplies and equipment for the planting and production of extra long staple cotton this year. In order that the new provisions of the said Public Law which are applicable to extra long staple cotton may be carried out promptly by the State and county Agricultural Stabilization and Conservation committees it is essential that the amendments set forth herein be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure, and effective date requirements of section 4 of the Administrative Procedure Act (5 U. S. C. 1003) is impracticable and contrary to the public interest, and the amendments contained herein shall be effective upon filing of this document with the Director, Division of Federal Register.

The Marketing Quota Regulations Relating to Apportionment of the National Acreage Allotment for the 1954 Crop of Extra Long Staple Cotton to States, Counties, and Farms (18 F. R. 7883), as amended, are amended as follows:

1. Section 722.1116 (b) is amended by inserting after the word "Seminole", the word "Sumter".

2. Section 722.1116 is amended by adding thereto the following paragraph (g):

(g) *Apportionment of excess released acreage to counties.* The acreage allotment surrendered to the State committee pursuant to § 722.1117 (j) shall be apportioned by the State committee among the counties in the State which are designated in paragraph (b) of this section on the basis of trends in acreage, abnormal conditions adversely affecting plantings, or for small or new farms.

3. Section 722.1117 is amended by adding thereto the following paragraphs (j) and (k):

(j) *Release and reapportionment of farm acreage allotments for extra long staple cotton.* Any part of any 1954 farm acreage allotment for extra long staple cotton on which such cotton will not be planted in 1954 and which is voluntarily released to the county committee by the applicable closing date shall be deducted from the farm acreage allotment for extra long staple cotton and may be reapportioned by the county committee not later than the applicable closing date to other farms receiving farm acreage allotments for extra long staple cotton in the same county in amounts determined by the county committee to be fair and reasonable on the

basis of past acreages of extra long staple cotton, land, labor and equipment available for the production of extra long staple cotton, crop-rotation practices and soil and other physical facilities affecting the production of extra long staple cotton. The State committee shall establish closing dates for purposes of the foregoing provisions for the entire State or for areas in the State if there is a substantial difference in planting dates for different areas in the State. The closing date so established for releasing farm acreage allotments shall be the date on which the planting of extra long staple cotton normally becomes general on farms in the State or area, and the closing date so established for reapportionment of such released acreage to other farms in the same county shall be the latest date on which extra long staple cotton can normally be planted on farms in the State or area with reasonable expectations of producing an average crop. If all of the allotted acreage voluntarily released is not needed in the county, the county committee may surrender the excess acreage to the State committee for reapportionment to counties as provided in § 722.1116 (g). Any farm acreage allotment released for 1954 only shall, in determining future acreage allotments for extra long staple cotton, be regarded as having been planted on the farm releasing such allotment if extra long staple cotton was planted on such farm in at least one of the years in the 3-year farm base period. Any part of any farm acreage allotment may be permanently released in writing to the county committee by the owner and operator of the farm and reapportioned as provided in this paragraph. In determining future farm acreage allotments for extra long staple cotton the planting in 1954 of reapportioned acreage allotment shall not be considered. For purposes of determining future State and county acreage allotments, reapportioned acreage will be credited to the State and to the county in which such acreage was planted.

(k) *Apportionment of excess released acreage to farms.* The acreage apportioned to the county pursuant to § 722.1118 (g) may be used for establishing and adjusting farm acreage allotments for new farms or small farms in accordance with the provisions of paragraphs (e) (3) and (f) of this section.

4. Section 722.1118 is amended by adding a new sentence at the end thereof reading as follows: "Immediately after acreage allotments for farms in a county or other local administrative area are established pursuant to § 722.1117 (j) and approved by the State committee as provided in § 722.1127 (a), the county committee shall mail to the operator of each farm for which some or all of the acreage allotment is released and to the operator of each farm to which released acreage is reapportioned a written notice of the farm acreage allotment and marketing quota for the farm.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 344-348,

361-368, 373-374, 383, 52 Stat. 38, as amended, Pub. Law 290, 83d Cong.; 7 U. S. C. 1301, 1344-1348, 1361-1368, 1373-1374, 1388)

Done at Washington, D. C., this 24th day of February 1954. Witness my hand and the seal of the Department of Agriculture.

[SEAL] J. EARL COKE,
Assistant Secretary of Agriculture.

[F. R. Doc. 54-1424; Filed, Mar. 1, 1954;
8:46 a. m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 525, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 18 F. R. 6767), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in the State of California or in the State of Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.632 (Lemon Regulation 525, 19 F. R. 997) are hereby amended to read as follows:

(ii) District 2, 230 carloads.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 25th day of February 1954.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable
Division, Agricultural Market-
ing Service.

[F. R. Doc. 54-1442; Filed, Mar. 1, 1954;
8:50 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO THE IMMIGRATION AND NATIONALITY REGULATIONS

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 9—AUTHORITY OF COMMISSIONER AND ASSISTANT COMMISSIONER

Section 9.2 is amended by adding new paragraphs designated (b-1) and (f-1) and by amending paragraph (h) so that, when taken with the introductory material, they will read as follows:

§ 9.2 *Authority of Assistant Commissioner, Inspections and Examinations Division.* The powers, privileges, and duties conferred or imposed upon officers or employees of the Service under this chapter with respect to the following-described matters are hereby conferred or imposed upon the Assistant Commissioner, Inspections and Examinations Division:

(b-1) Waiver of passport and visa requirements in particular cases of immigrants in accordance with Part 211 of this chapter.

(f-1) Waiver of nonimmigrant passport and visa requirements, acting jointly with the Secretary of State, or his authorized representative, if any, in individual cases of unforeseen emergency, as provided by section 212 (d) (4) of the Immigration and Nationality Act.

(h) Determinations as to the time for, and conditions under, which nonimmigrants may be admitted to the United States, and as to applications for extension of their temporary stay, as provided in section 214 (a) of the Immigration and Nationality Act, Title V of the Agricultural Act of 1949, as amended, and section 201 of the United States Information and Educational Exchange Act of 1948, as amended, and Parts 214 to 214k, inclusive, and 475 of this chapter.

PART 239—SPECIAL PROVISIONS RELATING TO AIRCRAFT: DESIGNATION OF PORTS OF ENTRY FOR ALIENS ARRIVING BY CIVIL AIRCRAFT

The first sentence of paragraph (b) of § 239.2 *Landing requirements* is amended to read as follows:

(b) *Advance notice of arrival.* Aircraft carrying passengers or crew required to be inspected under the Immigration and Nationality Act, except aircraft of a scheduled airline arriving in accordance with the regular schedule filed with the Service at the place of landing, shall furnish notice of the intended flight to the immigration officer at or nearest the intended place of landing, or shall furnish similar notice to the

Collector of Customs or other Customs officer in charge at such place. * * *

PART 245—ADJUSTMENT OF STATUS OF NONIMMIGRANT TO THAT OF A PERSON ADMITTED FOR PERMANENT RESIDENCE

1. Part 245 is amended by adding § 245.2 to read as follows:

§ 245.2 *Documentary requirements.* The provisions of § 211.1 of this chapter relating to the documentary requirements for immigrants shall not apply to an applicant for adjustment of status under this part.

2. Section 245.14 is amended to read as follows:

§ 245.14 *Procedure upon acceptance of application.* Upon acceptance of an application, the applicant shall be requested to submit to an examination by a medical officer of the United States Public Health Service, whose report setting forth the findings of the mental and physical condition of the applicant shall be incorporated into the record. Any applicant certified under paragraph (1), (2), (3), (4), or (5) of section 212 (a) of the Immigration and Nationality Act may appeal to a board of medical officers of the United States Public Health Service as provided in section 234 of the Immigration and Nationality Act and § 236.13 (c) of this chapter. The applicant shall be given timely notice of the date and place of the examination provided for in § 245.16, and the case shall be assigned to an immigration officer for the purpose of conducting such examination.

PART 264—REGISTRATION OF ALIENS IN THE UNITED STATES: FORMS AND PROCEDURE

1. Subparagraph (1) of paragraph (c) *Forms constituting alien-registration receipt cards under the Immigration and Nationality Act*, of § 264.1 *Alien-registration receipt card* is amended to read as follows:

(1) *Form I-151 or I-151A.* When an alien with an unexpired immigrant visa is lawfully admitted to the United States as an immigrant for permanent residence, he shall be issued Form I-151 as an alien-registration receipt card and as evidence of such immigration status. Any alien who in any manner becomes a lawful permanent resident of the United States and who is registered in the United States shall also be furnished such Form I-151. An alien lawfully admitted for permanent residence who re-registers in the United States within 30 days after attaining his fourteenth birthday anniversary shall be entitled to and shall be issued a new Form I-151A bearing his photograph if the Form I-151 originally issued to him was without such photograph.

2. Paragraph (b) of § 264.51 *Replacement of alien-registration receipt cards; procedure* is amended to read as follows:

(b) *Disposition of application.* An application for a new alien-registration receipt card shall be submitted to the district director or officer in charge of

the office of the Service having administrative jurisdiction over the applicant's place of residence. The application shall be accompanied by two photographs of the alien as described in Part 10 of this chapter and by a fee of \$5.00 and, if the application is for the issuance of a new receipt card in a changed name, by appropriate documentary evidence of such change, including any court order effecting such change. If the applicant is in possession of an immigration identification card, a mutilated receipt card, a Form AR-3 or AR-103 receipt card, or any other alien-registration receipt card, such card must be surrendered before a new receipt card may be issued to him. The district director or officer in charge receiving an application shall cause such investigation and inquiry to be conducted as he deems necessary to determine whether the application should be granted. If after consideration of the application and the record, the district director or officer in charge is satisfied that the applicant was lawfully admitted for permanent residence and that the original receipt card has been lost, mutilated, or destroyed, he shall issue a new receipt card on Form I-151A. If after such consideration he is satisfied that the applicant was so admitted and that (1) the applicant's name has been changed after registration by order of court or by marriage, or that (2) the applicant's original receipt card is not prima-facie evidence of his lawful admission for permanent residence (such as Form AR-3 or AR-103), the district director or officer in charge may issue a new receipt card on Form I-151A. The new card shall bear the alien's registration number, the alien's photograph and notation that it is a replacement of a prior receipt card. The new receipt card Form I-151A shall be mailed directly to the alien or, if the alien is less than fourteen years of age, to his parent or legal guardian. If the district director or officer in charge is not satisfied that the application should be granted, he shall deny the application and take whatever action he deems appropriate in the case. No appeal may be taken from the decision of the district director or officer in charge.

PART 450—FORMS

The reference to Form I-151 in § 450.1, *Prescribed forms*, is amended to read as follows:

I-151 } Alien Registration Receipt and Border
I-151A } Crossing Card.

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103)

Note: The record-keeping and reporting requirements of these regulations have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This order shall become effective on the date of its publication in the *FEDERAL REGISTER*. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order, insofar as they do not relate to interpretative rules or

to matters of agency procedure relieve restrictions and are clearly advantageous to persons affected thereby.

Dated: February 18, 1954.

HERBERT BROWNELL, Jr.,
Attorney General.

Recommended: December 16, 1953.

BENJAMIN G. HABBERTON,
Acting Commissioner of Immigration and Naturalization.

[F. R. Doc. 54-1440; Filed, Mar. 1, 1954;
8:49 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Revised, Amdt. 20]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—VESICULAR EXANTHEMA

DESIGNATION OF AREAS IN WHICH SWINE ARE AFFECTED WITH VESICULAR EXANTHEMA

Pursuant to the authority conferred upon the Administrator of the Agricultural Research Service by § 76.27 of Subpart B, as amended, Part 76, Title 9, Code of Federal Regulations (18 F. R. 3637), § 76.27a of said Subpart B (18 F. R. 3829, as amended) is hereby amended to read as follows:

§ 76.27a. *Designation of areas in which swine are affected with vesicular exanthema.* The following areas in the specified States are hereby designated as areas in which swine are affected with vesicular exanthema:

ARKANSAS

Brodie Township in Pulaski County.

CALIFORNIA

The entire State of California.

CONNECTICUT

The Town of Manchester in Hartford County.

New Haven County.

MAINE

The Town of Lewiston in Androscoggin County.

That area consisting of the Towns of Portland, South Portland, and Scarborough in Cumberland County, and the Towns of Biddeford, Kennebunk, and Alfred in York County.

That area consisting of the Towns of Cumberland and Yarmouth in Cumberland County.

That area consisting of the Towns of Chelsea and Hallowell in Kennebec County.

MASSACHUSETTS

Hampden and Suffolk Counties.

All of Bristol County except that part of the Town of Mansfield lying south of West Street, west of the New York, New Haven and Hartford Railroad, north of Pine and School Streets, and east of Tremont Street; the Myles Standish State School in the Town of Taunton lying east of State Route No. 140, south and west of Bassett Street, and north of the New York, New Haven and Hartford Railroad; that part of the City of Taunton

lying south of Norton Avenue, west of Crane Avenue, north of the New York, New Haven and Hartford Railroad, and east of State Route No. 140; and that part of the Town of Westport lying east of Main Road, north of Kirby Road, west of Drift Road, and south of Old County Road.

All of Essex County except that part of the Town of Andover lying north of Rattlesnake Hill Road, east of Woburn Street, west of Wood's Road, and south of Ballardville Road; the Town of Ballardvale; the Town of Essex; that part of the Town of Georgetown lying north of State Route No. 133, west of Bailey Lane, and south and east of Hampshire Lane; that part of the City of Gloucester lying north of State Route No. 121, south of Walker Street, and west of Lincoln Street; the Town of Groveland; that part of the City of Haverhill lying north of State Route No. 125, south and east of the Boston and Maine Railroad and the Merrimack River, and east of Main Street; the Town of Merrimack; that part of the Town of North Andover lying north of State Route No. 125, east of Baker Street, and west of State Route No. 133; that part of the City of Peabody lying northeast of Lake Street (rear), northwest of the Boston and Maine Railroad, and southwest of Lake Street; that part of the City of Peabody lying north of Goodvale Street, south of the Middleton Town Foundry, west of U. S. Route No. 1, and east of Morris Brook; the City of Revere; the Town of Rockport; and the Town of Wenham.

All of Middlesex County except that part of the Town of Bedford lying south and west of Spring Brook, north of Page Road, and east of Springs Road; that part of the Town of Billerica lying northeast of U. S. Route No. 3, and northwest of Andover Road; that part of the Town of Billerica lying south of Dudley Road and west of Concord Road; that part of the Town of Billerica lying east of Lexington Road and southwest of U. S. Route No. 3; that part of the Town of Boxboro lying south of State Route No. 111; that part of the Town of Burlington lying southwest of U. S. Route No. 3, southeast of Francis Wyman Road, and north of Bedford Street; that part of the Town of Burlington lying southeast of Dug Way, northeast of Winn Street, and northwest of Peach Orchard Road; the Town of Carlisle; that part of the Town of Dracut lying east of Gump's Avenue and west of Mammoth Road; that part of the Town of Framingham lying south and west of Indian Head Road, east of Prospect Street, and north of State Route No. 9; that part of the Town of Holliston lying south of Central Street, west of Flak Street, and east of Norfolk Street; that part of the Town of Hopkinton lying north of Main Street and east of Cedar Street; that part of the Town of Hudson lying west of Chapin Street, and northwest of Brigham Street and the Assabet River; that part of the Town of Lexington lying west of Westview Road and south of State Routes No. 4 and No. 25; that part of the Town of Lincoln lying north of State Route No. 2, south of State Route No. 2A, east of Bedford Road, and west of Mill Street; that part of the Town of Marlboro lying south of Robin Hill Road, east of Millham Road, west of Bigelow Street, and north of Elm Street; that part of the Town of North Reading lying north of State Route No. 62 and east of State Route No. 28; that part of the Town of Sudbury lying south of Lincoln Road, north and west of Water Street, and east of Concord Road; that part of the Town of Sudbury lying north of State Route No. 117, east of Dakin Road, and west of the Old Colony Railroad; that part of the Town of Sudbury lying south of Concord Road, north of Lincoln Road, west of Corner Road, and east of Old Marlboro Road; that part of the Town of Tewksbury lying northwest of the Shawshen River, northeast of State Route No. 38, and south of Salem Street; that part of the Town of Wayland lying north of Thompson Street, west of

RULES AND REGULATIONS

Rice Road, east of Loker Road, and south of Old Connecticut Path; that part of the Town of Weston lying north of U. S. Route No. 20; that part of the Town of Wilmington lying north of Salem Street, northwest of State Route No. 62, west of Ballardvale Street, southwest of the Salem and Lowell Branch of the Boston and Maine Railroad, and east of the Portland Division of the Western Branch of the Boston and Maine Railroad; that part of the Town of Wilmington lying northeast of State Route No. 38, west of the Wilmington Branch of the Boston and Maine Railroad, and south of Salem Street; and that part of the Town of Wilmington lying east of the Wilmington Branch of the Boston and Maine Railroad, west of the Portland Branch of the Boston and Maine Railroad, and north of Salem Road.

All of Norfolk County except that part of the Town of Bellingham lying north of Farm Street and west of Hartford Street; that part of the Town of Canton lying south of Randolph Street, east of York Street, north of Willow Street, and west of Old Randolph Street; that part of the Town of Dover lying south of Powisset Street, east of Walpole Street, and north of Hartford Street; the Town of Norwood; that part of the Town of Sharon lying north of Main Street; the Town of Westwood; that part of the Town of Wrentham lying north of State Route No. 11 and south of State Route No. 140; that part of the Town of Wrentham lying south and east of State Route No. 11 and west of U. S. Route 1-A; and the Town of Stoughton.

All of Plymouth County except that part of the Town of Bridgewater lying southwest of Winter Street, north of Auburn Street, and east of Beaver Street; that part of the Town of Hanson lying north of Main Street, east of Washington Street, south of Holmes Street, and west of Phillips Street; that part of the Town of Rochester lying east of the Mattapoisett-Rochester Road and south of New Bedford Road and State Route No. 105; that part of the Town of Rochester lying south of State Route No. 105, north of Perry Hill Road, west of Herring Run River, and east of Cushman Road; and that part of the Town of Rockland lying south of Forest Street, west of Union Street, and east of Weymouth Street.

All of Worcester County except that part of the Town of Blackstone lying west of Mendon Street and north and east of Chestnut Street; the Town of Gardner; that part of the Town of Grafton lying east of State Routes No. 140 and No. 30; that part of the Town of Mendon lying north of Bellingham Road and south and east of Hartford Avenue East; the Town of Milford; that part of the Town of Oxford lying south of State Route No. 12; the Town of Templeton; and that part of the Town of Westboro lying north of State Route No. 9.

NEW JERSEY

Atlantic, Bergen, Camden, Gloucester, Hudson, Hunterdon, and Morris Counties.

That area consisting of Union, Monmouth, Ocean Counties and all of Middlesex County except that part of the City of New Brunswick lying east of U. S. Route No. 130, south of State Route No. 18, west of U. S. Route No. 1, and north of the North Brunswick Township line and that part of North Brunswick Township lying south of the New Brunswick City line, northeast of the Raritan River Railroad, and northwest of U. S. Route No. 1.

That area in Lower Township in Cape May County lying east of U. S. Highway No. 9.

That area in Dennis Township in Cape May County bounded by the Belleplain State Forest on the south and east and State Highway No. 550 on the north and west and State Highway Spur No. 550 on the west.

All of Burlington County except Delran, Washington, Shamong, Tabernacle, and Bass River Townships, and except that part of

North Hanover Township lying south of Old Monmouth Road.

NEW YORK

The Town of Poland in Chautauque County.

The Town of Poughkeepsie in Dutchess County.

That area in the Town of Clarkstown lying north of New York State Route No. 59 in Rockland County.

PENNSYLVANIA

Bucks and Delaware Counties.

RHODE ISLAND

Bristol, Kent, and Providence Counties.

Effective date. The foregoing amendment shall become effective upon issuance.

Section 76.27 of Subpart B, as amended, Part 76, Title 9, Code of Federal Regulations (18 F. R. 3637), quarantines the areas so designated.

The amendment designates the following as areas in which swine are affected with vesicular exanthema in addition to the areas heretofore designated:

New Haven County in Connecticut; Bristol and Kent Counties in Rhode Island.

Hereafter, the restrictions pertaining to the interstate movement of swine and carcasses, parts and offal of swine from or through quarantined areas contained in 9 CFR Part 76, Subpart B, as amended (18 F. R. 3636, as amended), apply to these areas.

The amendment excludes certain areas from the areas heretofore designated as areas in which swine are affected with vesicular exanthema. The Administrator of the Agricultural Research Service has determined that swine in such areas are not now affected with the disease, and that the quarantine of such areas is no longer required to prevent the dissemination thereof. Accordingly, such areas are no longer quarantined under said § 76.27, and the restrictions pertaining to the interstate movement of swine and carcasses, parts and offal of swine from or through quarantined areas contained in 9 CFR Part 76, Subpart B, as amended (18 F. R. 3636, as amended), no longer apply to such areas. However, the restrictions pertaining to such movement from non-quarantined areas contained in said Subpart B, as amended, apply thereto.

The effect of the amendment is to impose certain further restrictions necessary to prevent the spread of vesicular exanthema, a contagious, infectious, and communicable disease of swine, and to relieve certain restrictions presently imposed. The amendment must be made effective immediately to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 2, 32 Stat. 792, as amended; 21 U. S. C. 111. Interprets or applies secs. 4, 5, 23 Stat. 32, sec. 1, 32 Stat. 791; 21 U. S. C. 120)

Done at Washington, D. C., this 24th day of February 1954.

[SEAL]

B. T. SHAW,
Administrator,
Agricultural Research Service.

[F. R. Doc. 54-1441; Filed, Mar. 1, 1954; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Reg. No. SR-401]

PART 4b—AIRPLANE AIRWORTHINESS;
TRANSPORT CATEGORIES

PART 40—SCHEDULED INTERSTATE AIR
CARRIER CERTIFICATION AND OPERATION
RULES

PART 41—CERTIFICATION AND OPERATION
RULES FOR SCHEDULED AIR CARRIER
OPERATIONS OUTSIDE THE CONTINENTAL
LIMITS OF THE UNITED STATES

PART 42—IRREGULAR AIR CARRIER AND
OFF-ROUTE RULES

SPECIAL CIVIL AIR REGULATION; SMOKE AND
FIRE DETECTORS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 24th day of February 1954.

Special Civil Air Regulation SR-329 currently provides that no air carrier shall be required to install or maintain smoke or fire detectors, other than heat detectors, unless otherwise directed by the Administrator. SR-329 also refers to § 61.30 and to the dates by which compliance with the requirements of that section must be accomplished. On April 1, 1954, Part 61 of the Civil Air Regulations will be rescinded and revised Part 40 will become effective, thus making any references to Part 61 obsolete.

In view of this, a notice of proposed rule making was published in the FEDERAL REGISTER on September 9, 1953 (18 F. R. 5435), in which it was proposed that the current provisions of SR-329 be extended and that certain provisions no longer appropriate be removed. It was also proposed that these provisions be extended only for a period of one year, and not indefinitely as SR-329 provided. As a result of this proposal, several comments were received questioning the necessity for smoke and fire detector requirements and questioning the availability within one year of satisfactory equipment. Other comment was received indicating that the exemption contained in SR-329 should be ended as soon as practicable.

As a result of our review of the above comments, the Board has decided that a re-evaluation of these requirements should be made at an early date. However, the Board is of the opinion that the continuation of a special regulation setting aside requirements of the Civil Air Regulations for an indefinite period in the future is improper. Should it be determined that there exists no justification for continuation of requirements for smoke detectors in baggage compartments, these requirements should be

rescinded. On the other hand, until and unless such a determination is in fact made, it is considered that the termination of this exemption within a reasonable period of time is the only proper course before the Board.

The Board is of the opinion that a period of two years will provide sufficient time to permit evaluation of proposals which have been made for the elimination from the Civil Air Regulations of requirements for smoke detectors in baggage compartments and thereafter, if necessary, to permit compliance with these requirements.

Interested persons have been afforded an opportunity to participate in the making of this regulation, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation, to become effective April 1, 1954.

Notwithstanding the provisions of Parts 4b, 40, 41, and 42, no person shall be required to install or maintain smoke or fire detectors, other than heat detectors, in aircraft unless otherwise directed by the Administrator.

This regulation supersedes Special Civil Air Regulation Serial Number SR-329 and will terminate on March 31, 1956, unless sooner superseded or rescinded.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 604; 52 Stat. 1007, 1009, 1010, as amended; 49 U. S. C. 551, 553, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 54-1437; Filed, Mar. 1, 1954; 8:46 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

CHANGES IN CODIFICATION

Effective as of the date of the publication of this notice in the FEDERAL REGISTER, the following changes are made in the codification of the regulations covering tests and methods of assay and certification of antibiotic and antibiotic-containing drugs:

1. Part 141, Tests and Methods of Assay for Antibiotic and Antibiotic-Containing Drugs, is subdivided into five separate parts, as follows:

Part 141a—Penicillin and Penicillin-Containing Drugs; Tests and Methods of Assay

Part 141b—Streptomycin (or Dihydrostreptomycin) and Streptomycin- (or Dihydrostreptomycin-) Containing Drugs; Tests and Methods of Assay

Part 141c—Chlortetracycline (or Tetracycline) and Chlortetracycline- (or Tetracycline-) Containing Drugs; Tests and Methods of Assay

Part 141d—Chloramphenicol and Chloramphenicol-Containing Drugs; Tests and Methods of Assay

Part 141e—Bacitracin and Bacitracin-Containing Drugs; Tests and Methods of Assay

2. New Part 141a will include those sections presently numbered §§ 141.1 through 141.71, inclusive, which are redesignated as §§ 141a.1 through 141a.71, inclusive.

3. New Part 141b will include those sections presently numbered §§ 141.101 through 141.124, inclusive, which are redesignated as §§ 141b.101 through 141b.124, inclusive.

4. New Part 141c will include those sections presently numbered §§ 141.201 through 141.219, inclusive, which are redesignated as §§ 141c.201 through 141c.219, inclusive.

5. New Part 141d will include those sections presently numbered §§ 141.301 through 141.309, inclusive, which are redesignated as §§ 141d.301 through 141d.309, inclusive.

6. New Part 141e will include those sections presently numbered §§ 141.401 through 141.421, inclusive, which are redesignated as §§ 141e.401 through 141e.421, inclusive.

7. All interior references and cross-citations to sections formerly included in Part 141 are changed in accordance with this notice.

8. Part 146, Certification of Batches of Antibiotic and Antibiotic-Containing Drugs, is subdivided into six separate parts, as follows:

Part 146—General Regulations for the Certification of Antibiotic and Antibiotic-Containing Drugs

Part 146a—Certification of Penicillin and Penicillin-Containing Drugs

Part 146b—Certification of Streptomycin (or Dihydrostreptomycin) and Streptomycin- (or Dihydrostreptomycin-) Containing Drugs

Part 146c—Certification of Chlortetracycline (or Tetracycline) and Chlortetracycline- (or Tetracycline-) Containing Drugs

Part 146d—Certification of Chloramphenicol and Chloramphenicol-Containing Drugs

Part 146e—Certification of Bacitracin and Bacitracin-Containing Drugs

9. New Part 146 will include those sections presently numbered §§ 146.1 through 146.23, inclusive.

10. New Part 146a will include those sections presently numbered §§ 146.24 through 146.93, inclusive, which are redesignated as §§ 146a.24 through 146a.93 inclusive.

11. New Part 146b will include those sections presently numbered §§ 146.101 through 146.119, inclusive, which are redesignated as §§ 146b.101 through 146b.119, inclusive.

12. New Part 146c will include those sections presently numbered §§ 146.201 through 146.219, inclusive, which are redesignated as §§ 146c.201 through 146c.219, inclusive.

13. New Part 146d will include those sections presently numbered §§ 146.301 through 146.309, inclusive, which are redesignated as §§ 146d.301 through 146d.309, inclusive.

14. New Part 146e will include those sections presently numbered §§ 146.401 through 146.421, inclusive, which are redesignated as §§ 146e.401 through 146e.421, inclusive.

15. All interior references and cross-citations to sections formerly included in Part 146 are changed in accordance with this notice.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Dated: February 24, 1954.

[SEAL] OVETA CULP HOBBY,
Secretary.

[F. R. Doc. 54-1428; Filed, Mar. 1, 1954; 8:46 a. m.]

PART 170—ENFORCEMENT OF THE TEA IMPORTATION ACT

TEA STANDARDS

Pursuant to the authority of the Tea Importation Act (secs. 2, 10, 29 Stat. 607, 41 Stat. 712, 57 Stat. 500; 21 U. S. C. 42, 50; 67 Stat. 18), the regulations for the enforcement of this act (21 CFR 170, as amended 21 CFR, 1952 Supp. 170; 18 F. R. 1848) are amended by changing § 170.19 (a) to read as follows:

§ 170.19 *Tea standards.* (a) Samples for standards of the following teas, prepared, identified, and submitted by the Board of Tea Experts on February 10, 1954, are hereby fixed and established as the standards of purity, quality, and fitness for consumption under the Tea Importation Act for the year beginning May 1, 1954, and ending April 30, 1955:

- (1) Formosa Oolong.
- (2) Java (for all black teas except as listed below).
- (3) Formosa Black (Formosa Black and Congou type).
- (4) Japan Black.
- (5) Japan Green.
- (6) Gunpowder type (except Japan).
- (7) Scented Canton type.
- (8) Canton Oolong type.

These standards apply to tea shipped from abroad on or after May 1, 1954. Tea shipped prior to May 1, 1954, will be governed by the standards which became effective May 1, 1953 (18 F. R. 1848).

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the amendment is based upon the recommendation of the Board of Tea Experts, which is comprised of experts in teas drawn from the Food and Drug Administration and the tea trade, so as to be representative of the tea trade as a whole.

(Sec. 10, 29 Stat. 607, as amended; 21 U. S. C. 50. Interprets or applies sec. 2, 41 Stat. 712, as amended, sec. 201, 57 Stat. 500; 21 U. S. C. 41, 42)

Dated: February 24, 1954.

[SEAL] OVETA CULP HOBBY,
Secretary.

[F. R. Doc. 54-1427; Filed, Mar. 1, 1954; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XIV—The Renegotiation Board

PART 1470—PRELIMINARY INFORMATION REQUIRED OF CONTRACTORS

EXTENSION OF TIME FOR FILING FINANCIAL STATEMENTS UNDER RENEGOTIATION ACT OF 1951¹

Every person having a fiscal year beginning in 1953 and ending in 1954 is hereby granted an extension of time, until further notice, for filing the financial statement for such year required of such person by section 105 (e) (1) of the Renegotiation Act of 1951.

Further notice of the extended date for such filings will be given as soon as practicable after the completion of action on pending legislation to extend and amend the Renegotiation Act of 1951.

Dated: February 19, 1954.

By order of The Renegotiation Board,

GEORGE C. MCCONNAUGHEY,
Chairman.

[F. R. Doc. 54-1425; Filed, Mar. 1, 1954;
8:46 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 35—PROVISIONS APPLICABLE TO THE SEVERAL CLASSES OF MAIL MATTER

PART 52—RURAL DELIVERY

MISCELLANEOUS AMENDMENTS

a. In § 35.15 *Mailable nonintoxicating, noninflammable, and noninjurious matter* make the following changes in paragraph (h) (3):

1. Amend subdivision (v) to read as follows:

(v) Aerosol type inside nonrefillable metal containers charged with a solution of materials and compressed gas or

gases of capacity not to exceed 30 cubic inches (16.6 fluid ounces). Pressure in the container not to exceed 55 pounds per square inch absolute at 70° F., and the liquid content of the material and gas must not completely fill the container at 130° F. Each completed container filled for shipment must have been heated until content reached a minimum temperature of 130° F., without evidence of leakage, distortion or other defect. The words "Compressed Gas" shall be plainly marked on the outside of the parcel. Such containers with pressure under 40 pounds per square inch at 70° F., do not come within the compressed gas regulations.

2. Rescind present subdivision (vi).

3. Redesignate subdivision (vii) as subdivision (vi).

(R. S. 161, 396; sec. 24, 20 Stat. 361, secs. 304, 309, 42 Stat. 24, 25, 62 Stat. 781, as amended; 5 U. S. C. 22, 369, 18 U. S. C. 1716, 39 U. S. C. 250)

b. In § 52.78 *Patrons' boxes* make the following changes:

1. Amend paragraph (a) to read as follows:

(a) *Boxes to be provided by patron.* Persons wishing to become patrons of rural routes shall provide and erect, at their own expense, standard mail boxes, the manufacture of which has been approved by the Department. See § 52.80 (c) for list of authorized manufacturers.

2. Rescind paragraph (c).

c. In § 52.80 *Manufacture and sale of boxes* amend the list of concerns in paragraph (c) by deleting the following concern:

Reed Engineering & Manufacturing Co., Thirteenth and John Streets, Newport, Ky.

(R. S. 161, 396; secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL]

ABE MCGREGOR GOFF,
Solicitor.

[F. R. Doc. 54-1422; Filed, Mar. 1, 1954;
8:45 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—PRACTICE AND PROCEDURE

CITY PRIORITY LIST FOR MUTUALLY EXCLUSIVE TELEVISION BROADCAST APPLICATIONS

FEBRUARY 24, 1954.

In a report and order issued on July 17, 1953, the Commission revised its procedure for processing and designating for hearing mutually exclusive applications for new television stations (FCC 53-889), and provided for the bi-monthly publication of a list of cities reflecting the revised priorities on which said list would be based in accordance with the amended rules. Such lists have been issued at regular intervals as provided for in the rules, the last one on December 23, 1953 (FCC 53-1706).

As of January 28, 1954, pre-hearing letters pursuant to section 309 (b) of the Communications Act of 1934, as amended, had been transmitted to all mutually exclusive applicants. Hearings are being scheduled as quickly as the respective applications in a particular city are in a position to be designated for hearing. Accordingly, since the processing of noncompetitive applications has proceeded on a current basis since March 1953, and inasmuch as the issuance of pre-hearing letters is presently on a current basis, the need for the publication of a priority list has been eliminated. Consequently, no further lists will be published and § 1.371, footnote 10 will be amended accordingly. Applications received after this date will be considered chronologically.

FEDERAL COMMUNICATIONS
COMMISSION.

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1431; Filed, Mar. 1, 1954;
8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

United States Coast Guard

[33 CFR Part 1]

[46 CFR Part 1]

[CGRR 54-8]

ESTABLISHMENT OF FEES FOR LICENSING AND RELATED ACTIVITIES UNDER NAVIGATION AND VESSEL INSPECTION LAWS, RULES, AND REGULATIONS

NOTICE OF PROPOSED RULE MAKING

1. Notice is hereby given that pursuant to the provisions of Title V of the Independent Offices Appropriation Act, 1952 (65 Stat. 290, 5 U. S. C. 140), the Commandant, United States Coast Guard, is considering the establishment

of a schedule of fees for processing applications or requests for certain permits, certificates, or other documents issued in accordance with navigation and vessel inspection laws, rules, and regulations which are administered or enforced by the United States Coast Guard. This notice is also published pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003).

2. Comments on the proposed schedule of fees set forth below are requested. All persons who desire to submit data, views, or comments with respect to the proposed fees shall submit them in writing in triplicate for receipt prior to April 5, 1954, by the Commandant (CAM), Coast Guard Headquarters, Washington 25, D. C. The written comments, data, or views shall be presented in triplicate and shall include the paragraph number, subject of fee, the reason or basis (if

any) for the change desired, the text of a proposed fee recommended (if any), and the name, business firm or organization (if any), and the address of the submitter. No hearing will be held to consider this matter.

3. Certain provisions of Title V of the Independent Offices Appropriation Act of 1952 (65 Stat. 290, 5 U. S. C. 140) read as follows:

It is the sense of the Congress that any work, service, publication, report, document, benefit, privilege, authority, use, franchise, license, permit, certificate, registration, or similar thing of value or utility performed, furnished, provided, granted, prepared, or issued by any Federal agency (including wholly owned Government corporations as defined in the Government Corporation Control Act of 1945) to or for any person (including groups, associations, organizations, partnerships, corporations, or businesses), except those engaged in the transaction of official

¹ This affects § 1470.3 (d).

business of the Government, shall be self-sustaining to the full extent possible, and the head of each Federal agency is authorized by regulation (which, in the case of agencies in the executive branch, shall be as uniform as practicable and subject to such policies as the President may prescribe) to prescribe therefor such fee, charge, or price, if any, as he shall determine, in case none exists, or redetermine in case of an existing one, to be fair and equitable taking into consideration direct and indirect cost to the Government, value to the recipient, public policy or interest served, and other pertinent facts, and any amount so determined or redetermined shall be collected and paid into the Treasury as miscellaneous receipts: *Provided*, That nothing contained in this section shall repeal or modify existing statutes prohibiting the collection, fixing the amount, or directing the disposition of any fee, charge or price: *Provided further*, That nothing contained in this section shall repeal or modify existing statutes prescribing bases for calculation of any fee, charge or price, but this proviso shall not restrict the redetermination or recalculation in accordance with the prescribed bases of the amount of any such fee, charge or price.

4. The Bureau of the Budget, on behalf of the President, has issued a Circular No. A-25 relating to "fees for licensing, registration, and related activities" which sets out, in some detail, uniform standards to be applied by the Departments and Agencies of the Government in establishing fees to be charged. The United States Coast Guard has conducted a survey to determine fees and charges which should be imposed and collected to meet the intent of Congress expressed in Title V of the Independent Offices Appropriation Act, 1952 (see paragraph 3 above), that certain services, authorities, licenses, and other things of value, as specified in this act, which may be furnished, provided, granted, prepared, or issued by the United States Coast Guard to or for any person or company or corporation or organization, shall be self-sustaining to the fullest extent possible.

5. It is proposed to add regulations to 33 CFR Part 1 and 46 CFR Part 1 to provide for the imposition and collection of the fees for processing applications for items listed in paragraphs 6 to 13, inclusive, below. The regulations relating to the transactions affected are cited in the list and such regulations may be amended to include an appropriate reference to the new regulations should the latter sections be added as proposed.

6. Permit to establish and operate a private aid to navigation, including those on a bridge or a dam (33 CFR Parts 66 and 68). The fee for each permit is to be \$15.

7. Permit to load or unload class A explosives at a waterfront facility, including use of barges used in conjunction therewith when necessary for the transfer from the common carrier to the facility or vice versa (33 CFR 126.17). The fee for each permit is to be \$15.

8. Merchant marine certificates or documents. The fee to obtain certain documents is to be as follows:

- a. Duplicate certificate of registry as staff officer (46 CFR 10.25-7 (1)): \$1.50.
- b. Duplicate continuous discharge book (46 CFR 12.02-23 (b)): \$1.50.

- c. Duplicate merchant mariner's document (46 CFR 12.02-23 (b)): \$1.50.

- d. Duplicate certificate of discharge (46 CFR 12.02-23 (b)): \$35 for the first copy and \$10 for each additional copy requested at the same time.

- e. Transcript of service (46 CFR 154.07): \$0.25 for each entry.

9. Permit for a vessel (other than a barge used incident to loading the common carrier which makes final delivery to ports of consignment) to load class A explosives (46 CFR 146.20-85). The fee for each permit is to vary according to amount of class A explosives as follows:

- a. 100 tons or under: \$15.
- b. Over 100 tons but not exceeding 500 tons: \$25.

- c. Over 500 tons but not exceeding 1500 tons: \$35.

- d. Over 1500 tons: \$45.

10. Certificate of approval of article of ships' stores, exclusive of cost of required tests (46 CFR 147.01-4). The fee for each certificate is to be \$10. This certificate may be renewed without charge if there is no change in the product.

11. Certification or acceptance of an item of equipment or material as authorized for use on vessels in accordance with law or rules and regulations in 46 CFR Chapter I. In those instances where charges based on actual costs have been made for tests and examinations conducted by Government agencies or commercial organizations at the request of the Coast Guard, such charges will continue in addition to the fees indicated below. The fee to obtain each certification or acceptance is to be as follows:

- a. Appliances, liquefied compressed gas consuming (petroleum) (46 CFR 162.018): \$32.

- b. Boilers, auxiliary, automatically controlled, packaged, for merchant vessels (46 CFR 162.026): \$282.

- c. Boilers, heating (46 CFR 52.01-15): \$146.

- d. Bulkhead panels (46 CFR 164.008): \$42.

- e. Buoyant apparatus (46 CFR 160.010): \$90.

- f. Buoyant cushions, kapok, standard (46 CFR 160.007): \$25.

- g. Buoyant cushions, non-standard (46 CFR 160.008): \$25.

- h. Buoys, life, ring, cork or balsa wood, for merchant vessels and motorboats (46 CFR 160.009): \$45.

- i. Compasses, lifeboat (46 CFR 75.20-15 (e)): \$50.

- j. Containers, emergency provisions (46 CFR 33.15-1, 75.20-15, 75.20-20, 95.20-15, 94.20-20): \$43.

- k. Containers, water (46 CFR 160.026): \$43.

- l. Davits, gravity type (46 CFR 160.032): \$258.

- m. Davits, quadrantal or sheath screw type (46 CFR 160.032): \$198.

- n. Deck coverings (46 CFR 164.006): \$42.

- o. Fire extinguishers, portable, hand, carbon dioxide (46 CFR 25.30, 34.25, 76.50, 95.50): \$54.

- p. Fire extinguishers, portable, hand, carbon tetrachloride (46 CFR 25.30, 34.25, 76.50, 95.50): \$54.

- q. Fire extinguishers, portable, hand, chemical foam (46 CFR 25.30, 34.25, 76.50, 95.50): \$54.

- r. Fire extinguishers, portable, hand, dry chemical (46 CFR 25.30, 34.25, 76.50, 95.50): \$54.

- s. Fire extinguishers, portable, hand, mechanical foam (46 CFR 25.30, 34.25, 76.50, 95.50): \$54.

- t. Fire extinguishers, portable, hand, pump tank (46 CFR 25.30, 34.25, 76.50, 95.50): \$54.

- u. Fire extinguishers, portable, hand, soda acid (46 CFR 25.30, 34.25, 76.50, 95.50): \$54.

- v. Fire extinguishers, portable, hand, water, cartridge-operated (46 CFR 25.30, 34.25, 76.50, 95.50): \$54.

- w. Fire extinguishing systems, fixed (46 CFR 25.30, 34.15, 34.20, 76.05, 95.05): \$138.

- x. Fire extinguishing systems, portable (46 CFR 25.30, 34.15, 34.20, 76.05, 95.05): \$138.

- y. Fire extinguishing systems, semi-portable (46 CFR 25.30, 34.15, 34.20, 76.05, 95.05): \$138.

- z. Fire indicating and alarm systems (46 CFR 76.05, 95.05): \$378.

- aa. Fire patrol systems, supervised (46 CFR 76.05-10): \$27.

- ab. Flame arresters, backfire (for carburetors) (46 CFR 162.015): \$27.

- ac. Flame arresters for tank vessels (46 CFR 162.016): \$45.

- ad. Flashlights, electric, hand (46 CFR 161.008): \$54.

- ae. Fusible plugs (46 CFR 162.014): \$10.

- af. Gas masks, self-contained breathing apparatus, and supplied air containers (46 CFR 160.011): \$24.

- ag. Gaging devices, liquid level, liquefied compressed gas (46 CFR 38.10-20): \$27.

- ah. Hand propelling gear, lifeboat (46 CFR 160.034): \$210.

- ai. Hatchets, lifeboat and life raft (46 CFR 160.013): \$21.

- aj. Incombustible materials (46 CFR 164.009): \$42.

- ak. Indicators, boiler, water-level, secondary type (46 CFR 52.70-50): \$36.

- al. Jackknife, with can opener (46 CFR 160.043): \$24.

- am. Kits, first-aid (46 CFR 160.041): \$48.

- an. Ladders, embarkation-debarkation (flexible) (46 CFR 160.017): \$62.

- ao. Lamps, safety, flame (46 CFR 160.016): \$24.

- ap. Lifeboats (46 CFR 160.035): \$178.

- aq. Life floats (46 CFR 160.027): \$90.

- ar. Life preservers, balsa wood, Models 42 and 46 (46 CFR 160.004): \$56.

- as. Life preservers, cork, Models 32 and 36 (46 CFR 160.003): \$56.

- at. Life preservers, fibrous glass, Models 51, 52, 55, and 56 (46 CFR 160.005): \$56.

- au. Life preservers, kapok, Models 2, 3, 5, and 6 (46 CFR 160.002): \$56.

- av. Life preservers, repairing, and cleaning (46 CFR 160.006): \$37.

- aw. Life rafts (46 CFR 160.018): \$114.

- ax. Lights, water, electric, floating, automatic (with bracket for mounting), for merchant vessels (46 CFR 161.001): \$108.

- ay. Lights, water, self-igniting (calcium carbide-calcium phosphide type),

for merchant vessels (46 CFR 160.012): \$66.

az. Line-throwing appliance, impulse-projected rocket type (and equipment), for merchant vessels (46 CFR 160.040): \$102.

ba. Line-throwing appliance, shoulder gun type (and equipment), for merchant vessels (46 CFR 160.031): \$102.

bb. Loudspeaker system, emergency (46 CFR 113.50-5): \$378.

bc. Mechanical disengaging apparatus, lifeboat, for merchant vessels (46 CFR 160.033): \$210.

bd. Mirrors, signaling (emergency) (46 CFR 33.15, 75.20, 95.20): \$30.

be. Nozzles, fire hose, combination solid stream and water spray (1½-inch and 2½-inch), for merchant vessels (46 CFR 162.027): \$36.

bf. Nozzles, water spray (1½-inch fixed type) (46 CFR 34.10, 76.10, 95.10): \$36.

bg. Pumps, bilge-lifeboat (46 CFR 160.044): \$62.

bh. Regulators and low water alarms, boiler feet (46 CFR 52.70-50): \$36.

bi. Sea anchors, lifeboat (46 CFR 33.15, 75.20, 94.20): \$27.

bj. Searchlights, motor lifeboat (46 CFR 161.006): \$54.

bk. Signal pistols for parachute red flare distress signals (46 CFR 160.028): \$58.

bl. Signals, distress, combination flare and smoke, hand (46 CFR 160.023): \$58.

bm. Signals, distress, flare, red, hand (46 CFR 160.021): \$58.

bn. Signals, distress, hand-held rocket-propelled parachute red flare (46 CFR 160.036): \$58.

bo. Signals, distress, pistol-projected parachute red flare (46 CFR 160.024): \$58.

bp. Signals, distress, smoke, orange, floating (46 CFR 160.022): \$58.

bq. Signals, distress, smoke, orange, hand (46 CFR 160.037): \$58.

br. Structural insulation (46 CFR 72.05, 92.05): \$42.

bs. Telephone systems, sound-powered (46 CFR 113.30-25): \$100.

bt. Valves, pressure-vacuum, relief and spill, for tank vessels (46 CFR 162.017): \$54.

bu. Valves, relief, hot water heating boilers (46 CFR 162.013): \$45.

bv. Valves, safety, power boilers (46 CFR 162.001): \$54.

bw. Valves, safety, steam heating boilers (46 CFR 162.012): \$45.

bx. Valves, safety relief, liquefied compressed gas (46 CFR 162.018): \$45.

by. Welding electrodes (46 CFR 56.01-20): \$10.

bz. Winches, lifeboat (46 CFR 160.015): \$258.

12. Renewal of a certification or the approval of an alteration of an item of equipment or material. The fee for the renewal of a certification or the approval of an alteration of an item of equipment or material listed in paragraph 11 is to be \$10.

13. Certificate of award of number for an undocumented vessel (46 CFR Part 172). The fee is to be \$5.00 for each certificate, for each duplicate certificate issued in lieu of lost original certificate, and for each certificate reissued because of change in address of owner or change of name, service, or engine number.

14. Each application or request (formal or informal) for any permit, certificate, or other document described in paragraphs 6 to 13, inclusive, of this document must be accompanied by a remittance in full amount of the fee. An application accompanied by an insufficient amount will not be accepted for processing and may be returned to the applicant. No refund of fees will be made except in the case of a payment in excess of the fee prescribed.

15. It is contemplated that the schedule of fees will be revised biennially, and

adjustments made where necessary to conform the fees charged to actual experience in the light of new or changed circumstances.

Dated: February 19, 1954.

[SEAL] A. C. RICHMOND,
Rear Admiral, U. S. Coast Guard,
Acting Commandant.

Approved: February 25, 1954.

H. CHAPMAN ROSE,
Acting Secretary of the Treasury.

[P. R. Doc. 54-1435; Filed, Mar. 1, 1954;
8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 21]

[Docket No. 10821]

DOMESTIC PUBLIC RADIO SERVICES

NOTICE OF EXTENSION OF TIME IN WHICH TO FILE COMMENTS

In the matter of promulgation of Part 21, Domestic Public Radio Services; Docket No. 10821.

In accordance with requests filed by American Telephone and Telegraph Company, Radio-Electronics-Television Manufacturers Association and the Central Committee on Radio Facilities of the American Petroleum Institute, the time in which to file comments in the above-entitled rule-making proceeding is extended until April 26, 1954.

Released: February 23, 1954.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[P. R. Doc. 54-1436; Filed, Mar. 1, 1954;
8:47 a. m.]

NOTICES

DEPARTMENT OF JUSTICE Immigration and Naturalization Service

STATEMENT OF ORGANIZATION MISCELLANEOUS AMENDMENTS

The following amendments to the Statement of Organization of the Immigration and Naturalization Service (17 F. R. 11613, December 19, 1952), as amended, are hereby prescribed:

1. Section 1.31 is amended by adding new paragraphs (d-1) and (h-1) and by amending paragraph (k) so that, when taken with the introductory material, they will read as follows:

Sec. 1.31 *Final authority; delegation to Assistant Commissioner, Inspections and Examinations Division.* The Assistant Commissioner, Inspections and Examinations Division, has been delegated final authority to take any action required or authorized to be taken by

Chapter I of Title 8 of the Code of Federal Regulations with respect to the following:

(d-1) Waiver of passport and visa requirements in particular cases of immigrants in accordance with 8 CFR Part 211;

(h-1) Waiver of nonimmigrant passport and visa requirements, acting jointly with the Secretary of State, in individual cases of unforeseen emergency, as provided in section 212 (d) (4) of the Immigration and Nationality Act;

(k) Determinations as to the time for which, and conditions under which, nonimmigrants may be admitted to the United States, and on applications for extension of their temporary stay, as provided in section 214 (a) of the Immigration and Nationality Act, Title V of the Agricultural Act of 1949, as amended,

section 201 of the United States Information and Educational Exchange Act of 1948, as amended, and 8 CFR Parts 214 to 214k, inclusive, and 475;

2. Paragraph (h) of section 1.36 is amended so that when taken with the introductory material it will read as follows:

SEC. 1.36 *Final authority; delegation to district directors.* The district directors have been delegated final authority to take any action required or authorized to be taken by Chapter I of Title 8 of the Code of Federal Regulations with respect to the following matters:

(h) Waiver of passport and visa requirements in particular cases of immigrants in accordance with 8 CFR Part 211 and admission of immigrants as provided in section 211 (c) and (d) of the Immigration and Nationality Act;

3. Section 1.37 is amended in the following respects: (1) Paragraph (b) is

amended, and (2) a new paragraph (w-1) is added; so that, when taken with the introductory material, paragraphs (b) and (w-1) will read as follows:

Sec. 1.37 Final authority; delegation to officers in charge. The officers in charge have been delegated final authority to take any action required or authorized to be taken by Chapter I of Title 8 of the Code of Federal Regulations with respect to the following matters:

(b) Waiver of passport and visa requirements in particular cases of immigrants in accordance with 8 CFR Part 211 and admission of immigrants as provided in section 211 (c) and (d) of the Immigration and Nationality Act;

(w-1) Replacement of alien registration receipt cards as provided in 8 CFR 264.51;

4. Paragraph (a) of section 1.39 is amended so that, when taken with the introductory material, it will read as follows:

Sec. 1.39 Final authority; delegation to special inquiry officers. In addition to the powers granted to them under the provisions of the Immigration and Nationality Act, special inquiry officers have been delegated final authority to take any action required or authorized to be taken by Chapter I of Title 8 of the Code of Federal Regulations with respect to the following matters:

(a) Waiver of passport and visa requirements in particular cases of immigrants in accordance with 8 CFR Part 211 and admission of immigrants as provided in sections 211 (c) and (d) of the Immigration and Nationality Act;

Dated: February 18, 1954.

HERBERT BROWNELL, Jr.,
Attorney General.

Recommended: December 16, 1953.

BENJAMIN G. HABBERTON,
Acting Commissioner of Immigration and Naturalization.

[F. R. Doc. 54-1439; Filed, Mar. 1, 1954;
8:49 a. m.]

DEPARTMENT OF COMMERCE

Business and Defense Services Administration

[BDSA Notice 2 as Amended March 1, 1954]

SIGNATURE OF OFFICIAL BDSA ACTIONS

This notice is issued under the authority of the Defense Production Act of 1950, as amended (Pub. Law 774, 81st Cong., Pub. Law 95, 83d Cong.), Executive Order 10480 (18 F. R. 4939), Defense Mobilization Order I-7 (18 F. R. 5366; 18 F. R. 6736, 6737), and Department of Commerce Order 152 (18 F. R. 6503; 18 F. R. 6791).

This notice amends paragraph (b) of Section 3 of BDSA Notice 2 of October 1, 1953 (18 F. R. 6340) by deleting therefrom the term "Assistant Deputy Ad-

ministrator" and inserting in its place the term "Executive Secretary".

Sec.

1. Purpose of this notice.
2. Definitions.
3. Signature of official actions.
4. Effect on official actions taken prior to effective date of this notice.

SECTION 1. Purpose of this notice. This notice prescribes the exclusive methods of signature to be used on official actions of the Business and Defense Services Administration. This notice does not apply to official actions of any other agency, or of any officer or employee thereof, even when such action is based on a regulation, order, or delegation of the Business and Defense Services Administration.

SEC. 2. Definitions. As used in this notice, "official action" means the issuance of any BDSA regulation or order and direction or supplement thereto, including any amendment, extension, or revocation thereof; and any action taken by letter, telegram, form, directive, or otherwise, which assigns or denies a preference rating or grants or denies an authorization, allocation, allotment, adjustment, or exception, to a named person or persons, or requires or permits a named person or persons to take or not to take any action relating to production, delivery, receipt, use, sale or distribution of any material or facility; and any action which changes or refuses to change the effect of any of the above actions. For the purpose of this notice, "official action" does not include any action taken in the course of an investigation or compliance proceeding; or the issuance of a suspension order or any action taken in the course of a proceeding looking toward the issuance of such an order.

SEC. 3. Signature of official actions. (a) The Administrator and the Deputy Administrator of the Business and Defense Services Administration may, in their respective names, perform the functions and exercise all the powers, authority, and discretion vested in the Administrator of the Business and Defense Services Administration.

(b) All official actions taken in performance of the functions or in the exercise of the powers, authority, and discretion vested in the Administrator of the Business and Defense Services Administration, which are not taken in the name of the Administrator, or in the name of the Deputy Administrator, shall be taken in the name of the Business and Defense Services Administration, countersigned or attested by the Executive Secretary of the Business and Defense Services Administration. Unless otherwise ordered, all actions taken by counter-signature or attestation of the Executive Secretary shall be in the following form:

BUSINESS AND DEFENSE SERVICES
ADMINISTRATION

By-----
(Executive Secretary)

SEC. 4. Effect on official actions taken prior to effective date of this notice. Nothing contained herein shall impair or affect the validity of any official action

taken prior to the effective date of this notice.

This notice shall take effect March 1, 1954.

BUSINESS AND DEFENSE
SERVICES ADMINISTRATION,
CHARLES F. HONEYWELL,
Administrator.

[F. R. Doc. 54-1460; Filed, Feb. 26, 1954;
12:34 p. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 6376 et al.]

COMPANIA CUBANA DE AVIACION, S. A.

NOTICE OF HEARING

In the matter of the application of Compania Cubana de Aviacion, S. A., for modification of its existing foreign air carrier permit authorizing it to engage in foreign air transportation of persons, property, and mail between the terminal point Havana, Cuba, and the terminal point New York, New York, and the application, Docket No. 6302, for approval under section 409 of the Civil Aeronautics Act of 1938, as amended, of interlocking relationships by reason of Erwin Balluder holding the position of director of Compania Cubana de Aviacion, S. A., and the position of vice president of Pan American World Airways, Inc.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 402, 409, and 1001 of said act, that a public hearing in the above-entitled proceeding is assigned to be held on April 5, 1954, at 10:00 a. m., e. s. t., in Room E-210 Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Without limiting the scope of the issues presented by the applications particular attention will be directed to the following questions:

1. Whether it is in the public interest to eliminate any or all of the restrictions on the foreign air carrier permit held by Compania Cubana de Aviacion, S. A.

2. Whether the interlocking relationships by reason of Erwin Balluder holding position in Compania Cubana de Aviacion, S. A., and Pan American World Airways, Inc., are contrary to the public interest within the meaning of section 409 of the act.

Notice is further given that any person desiring to be heard in this proceeding must file with the Board, on or before April 5, 1954, a statement setting forth the issues of fact or law raised by said applications which he desires to controvert.

For further details as to the requested modification of Cubana's permit and approval of interlocking relationships interested parties are referred to the applications on file with the Civil Aeronautics Board.

Dated at Washington, D. C., February 25, 1954.

[SEAL] FRANCIS W. BROWN,
Chief Examiner.

[F. R. Doc. 54-1438; Filed, Mar. 1, 1954;
8:48 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 9050, 10650]

CALIFORNIA INLAND BROADCASTING CO. AND KARM, THE GEORGE HARM STATION

ORDER DELETING ISSUE

In re applications of California Inland Broadcasting Co., Fresno, California, Docket No. 9050, File No. BPCT-413; KARM, the George Harm Station, Fresno, California, Docket No. 10650, File No. BPCT-1061; for television construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 24th day of February 1954;

The Commission having under consideration a number of pleadings¹ concerning (1) a request by KARM, the George Harm Station that the Commission delete Issue No. 1, concerning the financial qualifications of the petitioner, from its Order of August 20, 1953, released August 25, 1953, designating the above-entitled applications for hearing; and (2) a request to enlarge the issues to include an issue as to the financial qualifications of both applicants to construct, own and operate a proposed television station, and to permit a comparison to be made between the applicants upon their respective financial qualifications;

It appearing, that the Commission, in its order of August 20, 1953, designating the above-entitled applications for hearing, included an issue concerning the financial qualifications of KARM, the George Harm Station to construct, own and operate its proposed television station; and

It further appearing, that the questions raised in the Commission's pre-hearing letter dated August 12, 1953, and with which the financial issue in this proceeding is concerned, have been resolved by petitioner's amendment filed on August 20, 1953, the same date when the Commission issued its hearing order in this proceeding, which disclosed the following changes: (1) included original and signed copies of a letter of credit dated August 10, 1953 from the Bank of America agreeing to extend KARM a loan of \$750,000; (2) an amended balance sheet to specify cash in lieu of notes receivable; and (3) a letter from General Electric Company, dated August 18, 1953, expressing a willingness to sell KARM \$500,000 worth of equipment on deferred payment terms; and that the Commission is now satisfied

that KARM is financially qualified; and

It further appearing, that petitioner requests that the issues in the Commission's order of August 20, 1953, designating the above-entitled applications for hearing, be enlarged to include issues to determine the financial qualifications of the applicants, and to permit a comparison to be made between the applicants upon their respective financial qualifications; and

It further appearing, that the Commission has made an initial determination that California Inland Broadcasting Company is financially qualified to construct, own and operate a television station; that no convincing showing has been made by the petitioner to question the financial qualifications of California; that the petitioner has furnished no compelling reason for the departure by the Commission from its policy against permitting financial qualifications to be considered as a basis of comparison; and

It further appearing, that the Commission has permitted the Hearing Examiner, upon a reasonable showing, to enlarge the issues, on his own motion or on petition of a party to the proceeding, and upon sufficient allegations of facts in support thereof, so as to determine whether funds available to an applicant will be sufficient to effectuate its proposals in accordance with the procedure outlined in the Commission's memorandum opinion and order, In re South Central Broadcasting Company, 9 RR 1035;

It is ordered, That the request by KARM, the George Harm Station for deletion of Issue No. 1 is granted, and that the Commission's order of August 20, 1953, designating for hearing the above-entitled applications is modified by deletion of Issue No. 1; and

It is further ordered, That the request of KARM, the George Harm Station to enlarge the issues is denied; and

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicants will give reasonable assurance that the proposals set forth in the applications will be effectuated.

Released: February 25, 1954.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1432; Filed, Mar. 1, 1954; 8:47 a. m.]

[Docket Nos. 10681, 10682]

SOUTHERN TIER RADIO SERVICE, INC., AND OTTAWAY STATIONS, INC.

MEMORANDUM OPINION AND ORDER ENLARGING ISSUES

In re application of Southern Tier Radio Service, Inc., Binghamton, New York,

Docket No. 10681, File No. BPCT-892; Ottaway Stations, Inc., Endicott, New York, Docket No. 10682, File No. BPCT-1097; for construction permits for new television stations.

1. The Commission has under consideration (1) a petition filed on December 17, 1953, by Ottaway Stations, Inc., seeking clarification of the issues or, in the alternative, enlargement of the issues with respect to section 307 (b) of the Communications Act of 1934, as amended, (2) an opposition thereto filed by Southern Tier Radio Service, Inc., on December 28, 1953, and (3) a reply filed on January 7, 1954, by Ottaway Stations, Inc.

2. The Commission in its order of September 9, 1953, designated applicants herein for hearing on the standard comparative issues¹ and an additional issue under which Southern Tier Radio Service, Inc., is required to establish its financial qualifications. This case has proceeded through hearing conferences on October 9, November 16 and 24, 1953, for the purpose of exchanging information, agreeing to points of reliance, clarification of issues, and related matters. At the conference of November 23, 1953, one of the points of reliance advanced by Ottaway Stations contemplated a showing concerning the need for television service in the Binghamton-Endicott, New York, area. Ottaway Stations submitted to the Examiner that it expected to establish facts showing that on a comparative basis the greater need in the area is for the establishment of a first transmission facility in Endicott rather than a second such facility in Binghamton. The Examiner, agreeing to permit Ottaway to introduce evidence with respect to the need for television service in the Binghamton-Endicott area, advised, however, that section 307 (b)² of the Communications Act is not an issue in the instant proceeding, and will not be considered unless the issues are enlarged by the Commission. Thus, the Examiner ruled that legal argument by Ottaway Stations on this point will not be entertained.

3. In the instant proceeding Ottaway Stations has requested the Commission to clarify the issues with respect to the section 307 (b) problem by issuing an

¹ (3) To determine on a comparative basis which of the operations proposed in the above-entitled applications would best serve the public interest, convenience or necessity in light of the record made with respect to the significant differences among the applications with particular reference to the following:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above entitled applications.

² Section 307 (b) of the Communications Act of 1934, as amended, provides: "In considering applications for licenses . . . the Commission shall make such distribution of licenses . . . among the several states and communities as to provide a fair, efficient, and equitable distribution of radio service to each of the same."

appropriate order instructing the Examiner that a section 307 (b) issue is within the scope of the comparative issues here. Their argument in support of this request is based upon the reasoning that section 307 (b) of the Communications Act is a statutory obligation on the Commission and, as such, impliedly a determinative factor in every case wherein a grant to an applicant could conceivably be based thereon. If this be not so, Ottawa submits, the Commission should enlarge the issues in the present proceeding to permit Ottawa to show that a grant of its application should be preferred in view of 307 (b) considerations. In support of this alternative request, Ottawa contends that Binghamton, New York already has a television station, while the greater Endicott area is without an outlet for local expression. Furthermore, Ottawa urges, our rules permit determination of the instant proceedings on 307 (b) considerations because Endicott is a separate and distinct community within fifteen miles of Binghamton to which the television channel in contest here has been allocated.

4. Southern Tier disputes the Ottawa Stations' contention that a 307 (b) issue is implicit in the comparative issues upon which the applicants herein will go to hearing. It is urged that the Commission's adoption of a table of television assignments in the Sixth Report and Order reflects a resolution of the section 307 (b) problem. Southern Tier argues that before the issues may be enlarged in the instant proceeding Ottawa Stations must show it filed a timely petition seeking enlargement. Here, it is submitted, the petition requesting enlargement of the issues comes three months after the applications had been designated for hearing and has not been supported by a showing of "good cause" for such delay.

5. With respect to the problem of "good cause", the record reflects that Ottawa Stations' proposal contemplated an Endicott operation while Southern Tier proposed to operate from Binghamton, New York. Still unclear, however, is the question of whether the communities involved are in a real sense separate and distinct. Endicott lies within a radius of 15 miles of Binghamton. Station WBNF-TV, operating on Channel 12 from Binghamton is the only local television facility in the Binghamton-Endicott area. Ottawa Stations has argued in the instant pleading that from the inception of these proceedings it expected to rely upon the provisions of section 307 (b) and that it was not until the ruling by the Hearing Examiner, referred

to above, that the questions with respect to clarification or enlargement of the issues arose. For this reason, it is urged, "good cause" has been demonstrated for enlargement of the issues at this time. Under the facts and circumstances here, we believe Ottawa Stations has demonstrated "good cause" for its late filing for enlargement. Moreover, we are of a mind that the recurrence of the problem presented in the instant petition requires clarification by us in order to guide applicants in future cases involving the same circumstances.

6. With respect to the merits of the pleading before us, we are in agreement with Southern Tier's contention that a 307 (b) issue is not implicit in every television proceeding where conceivably a grant of an application could be premised thereon. Our general considerations in adopting an over-all system of television channel assignments, as set forth in our Sixth Report and Order,¹ make it abundantly clear that our table of assignments was designed to provide a "fair, efficient and equitable distribution" of television service between the various states and communities. Thus, where the problem involves a question of distribution of television channel assignments, except for example, under our 15 mile rule, considerations with respect to section 307 (b) of the act become unnecessary since they have already been resolved. Except for cases which would involve rule making, it would be useless therefore, in every new competitive proceeding to insert an issue concerning the applicability of 307 (b) considerations to the proposals involved. In the present proceeding, however, we are confronted with our rule involving communities located within 15 miles of the community to which the television channel in our tables of assignments has been allocated. In such a situation we would be remiss in our duties under the act were we to fail to consider the applicability of 307 (b) considerations to the proposals involved. We do not hold, however, that where enlargement of the issues is requested on the basis of our 15 mile rule we are compelled automatically to grant enlargement without a showing having been made that 307 (b) considerations would be pertinent in the particular case. Nor do we mean to rule that once we permit enlargement of issues, that section 307 (b) of the act is to be considered the determinative issue in the proceeding. We believe the better course to follow is one which requires a preliminary and prerequisite showing that 307 (b) considerations would be pertinent in deciding the particular case.

7. In the instant case, in view of the probability that both applicants herein will provide equally acceptable service over the area encompassing both Endicott and Binghamton and the probability that a transmission facility located in either city will be available to the residents of both communities, we believe that a specific determination should be made as to whether considerations with respect to section 307 (b) of the act are applicable and, if so, whether a choice between the applications herein can be

reasonably based thereon, and, if so, whether a grant to one or the other applicant would provide the more fair, efficient and equitable distribution of television service to the communities involved.

8. Accordingly, it is ordered, This 24th day of February 1954, that the above-entitled petition filed on December 17, 1953 by Ottawa Stations, Inc., is granted to the extent that the issues are enlarged to read as follows: To determine whether considerations with respect to section 307 (b) of the Communications Act of 1934, as amended, are applicable in the above-entitled proceeding, and, if so, whether a choice between the applications herein can be reasonably based thereon and, if so, whether a grant to one or the other applicant would provide the more fair, efficient and equitable distribution of television service to the communities involved.

Released: February 25, 1954.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1433; Filed, Mar. 1, 1954;
8:47 a. m.]

[Docket Nos. 10928, 10929]

NEWS-JOURNAL CORP. AND TELRAD, INC.
ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of News-Journal Corporation, Daytona Beach, Florida, Docket No. 10928, File No. BPCT-1218; Telrad, Inc., Daytona Beach, Florida, Docket No. 10929, File No. BPCT-1219; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 24th day of February 1954;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 2 in Daytona Beach, Florida; and

It appearing, that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications; and were given an opportunity to reply; and

It further appearing, that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; and that each of the above-named

¹Section 3.607 (b) of the Commission's rules provides: "A channel assigned to a community listed in the Table of Assignments is available upon application in any unlisted community which is located within 15 miles of the listed community."

²Section 1.389 of the Commission's rules and regulations provides that petitions to enlarge or change the issues must be filed within 15 days after the issues are first published in the FEDERAL REGISTER. The Commission's order of designation here is dated September 17, 1953 (18 F. R. 5574) while the instant petition was filed on December 17, 1953.

³See paragraphs 12-18 of that document.

applicants is legally, financially and technically qualified to construct, own and operate a television broadcast station; and

It further appearing, that the application of Telrad, Inc. proposes an antenna location in the vicinity of standard broadcast station WNDB; that the proposed operation may adversely affect the ability of that station to operate in accordance with the terms of its license; that appropriate proof that no such adverse effects have resulted should be submitted after installation and operation of the said proposed antenna; and that a grant, if made, of the application should be subject to a condition in this respect as follows: "The construction authorized is subject to the condition that such shall not adversely affect the ability of standard broadcast station WNDB to operate in accordance with the terms of its license, particularly with respect to its antenna system, and that sufficient field intensity measurements of station WNDB shall be made before and after such construction to prove that no material effect thereon has resulted."

It is ordered, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 10:00 a. m. on the 26th day of March 1954 in Washington, D. C., to determine on a comparative basis which of the operations proposed in the above-entitled applications would better serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences between the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-entitled applications.

It is further ordered, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: February 25, 1954.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-1434; Filed, Mar. 1, 1954;
8:47 a. m.]

CITY PRIORITY LIST FOR MUTUALLY EXCLUSIVE TELEVISION BROADCAST APPLICATIONS

CROSS REFERENCE: For discontinuance of publication of City Priority List for Mutually Exclusive Television Broadcast Applications, see Title 47, Chapter I, Part 1, *supra*.

FEDERAL POWER COMMISSION

[Docket No. G-2373]

TOWN OF BYHALIA, MISSISSIPPI

NOTICE OF APPLICATION

FEBRUARY 24, 1954.

Take notice that the Town of Byhalia, Mississippi (Applicant), a municipal corporation located in the State of Mississippi, filed, on February 17, 1954, an application pursuant to section 7 (a) of the Natural Gas Act for an order directing Trunkline Gas Company to establish physical connection of its transmission facilities near the Town of Byhalia with the proposed facilities of and to deliver and sell natural gas to Applicant for resale as hereinafter described.

Applicant proposes to construct and operate a natural-gas transmission line from the aforesaid point of physical connection to its proposed distribution system, a distance of less than one-half mile, and to construct and operate a distribution system within its corporate limits and environs. The area proposed to be served by Applicant is without natural gas service and the number of residents in said area is estimated at 600. Applicant estimates the cost of its proposed facilities at \$63,000, proposes to accomplish the financing through issuance of bonds, and estimates its peak day requirements in the fifth year of operation at 367 Mcf.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 15th day of March 1954. The application is on file with the Commission for public inspection.

[SEAL]

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-1420; Filed, Mar. 1, 1954;
8:45 a. m.]

[Docket No. G-2375]

KENTUCKY WEST VIRGINIA GAS CO.

ORDER SUSPENDING PROPOSED RATE SCHEDULES AND PROVIDING FOR HEARING

On January 29, 1954, Kentucky West Virginia Gas Company (Kentucky West Virginia) tendered for filing its new rate schedules S-1 (Fifth Revised Sheet No. 4 and Second Revised Sheets Nos. 5, 6, 7 and 8 to its FPC Gas Tariff, Original Volume No. 1), and S-2 (Original Sheets

Nos. 8-A, 8-B, 8-C, 8-D and 8-E to its FPC Gas Tariff, Original Volume No. 1), proposing to increase the rates and charges to its affiliate Equitable Gas Company and its former affiliate Louisville Gas and Electric Company by an aggregate amount of \$1,025,455, or 21.4%, annually, based on sales for the year ended September 30, 1953.

The Company bases its proposed increases upon adjustments to booked expenses, including (1) a net amount of \$542,151 for depreciation and depletion, using a unit of production depletion rate of 5.273¢ per Mcf; (2) \$131,193 for purchased gas costs and royalties, proposed to be incurred only if allowed by the Commission in determining the Company's rates; (3) \$82,379 for wage increases; and (4) \$12,562 for other operating expenses and taxes, plus utilization of a 6½ percent rate of return.

The increased rates and charges provided in said new rate schedules have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing, pursuant to the authority contained in section 4 of such act, concerning the lawfulness of Kentucky West Virginia's Rate Schedule S-1 and S-2, FPC Gas Tariff, Original Volume No. 1, and that said rate schedules be suspended as hereinafter provided and the use thereof be deferred pending hearing and decision thereon.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act, a public hearing be held upon a date to be fixed by further order of the Commission concerning the lawfulness of rates, charges, and classifications contained in Kentucky West Virginia's Rate Schedule S-1 and S-2, FPC Gas Tariff, Original Volume No. 1.

(B) Pending such hearing and decision thereon, Kentucky West Virginia's Rate Schedules S-1 and S-2, FPC Gas Tariff, Original Volume No. 1, be and the same are hereby suspended and the use thereof deferred until August 1, 1954, and until such further time as they may be made effective in the manner prescribed by the Natural Gas Act, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: February 24, 1954.

Issued: February 24, 1954.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-1421; Filed, Mar. 1, 1954;
8:45 a. m.]